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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,537

04/15/2005

John Bergman

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01/06/2009

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EXAMINER

QIAN, YUN

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,537	Applicant(s) BERGMAN, JOHN	
	Examiner YUN QIAN	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 24-50 are remained for examination. Claims 24 and 35 have been amended. Claims 49-50 are new claims.

Claim Objections

Regarding claim 49 should it read “a third conduit communicating with the second mixing...”. Clarification and appropriate correction are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 49-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 49 and 50 disclose a paperboard or web coating apparatus. These claims, however, fails to set forth an application devices or means by which the coating operation is accomplished. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 49-50 are rejected under 35 U.S.C.102 (e) as being anticipated by Freitag et al. (US 6,485,692).

Regarding claims 49-50, as set forth in the first office action, Freitag et al. discloses a method and apparatus for mixing a plurality of different mixtures. The apparatus (as shown below) comprising: (a) reactor block 100 (mixing zone) with reactor vessels 102 (mixers and mixing zones) for containing a plurality of starting materials. Each vessel can hold a pressure level from 100 to 6900 KPa. (b) header block with header barrels 202 for containing one or more liquid reactants, (c) transfer plate between the reactor blocks 100 and the header blocks. The transfer plate comprises a plurality of transfer lines 302 (conduits) corresponding to the plurality of reactor vessels, the plurality of transfer lines providing fluid communication between the plurality of reactor vessels and the header barrels. Reagents (pigments) can be added through the transfer lines into reactor vessel(s).

Mixtures in plurality of reactor vessels can be combined into the parallel reactor blocks (mixing zones). The reactor vessel, header barrels, storages tanks, reactor blocks, as illustrated below, can be arranged and/or operated in a serial and/or parallel fashion. That apparatus taught by Freitag et al. meets all criteria as in the recited claims (col. 2, lines 8-col. 4, line 59, col. 16, lines 50-col. 17, line 45, and claim 1).

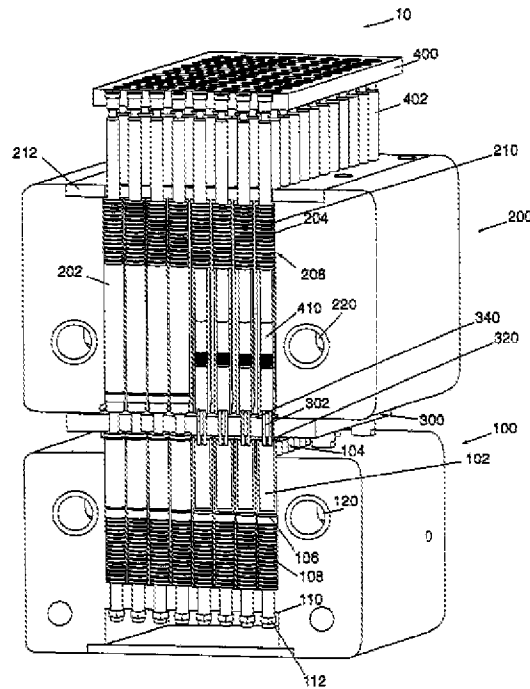


Fig. 1

Response to Arguments

Applicant's amendments to the Claim Rejections, filed on October 22, 2008 are acknowledged.

Applicant's arguments with respect to claims 24-29, 34-38, 41, 47 and 48 rejected under 35 U.S.C.102 (e) as being anticipated by Freitag et al. (US 6,485,692) have been fully considered, the Examiner respectfully disagrees because Freitag et al. discloses a method and apparatus arrangement which comprising of (a) parallel mixing zones with a pressure level about 100-6900 KPa, (b) transferring reagents under a

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positive or negative pressure, (c) monitoring and controlling of mixing, (d) deaerating for air and moisture sensitive reactions.

Although the art reference does not specifically discuss the apparatus for preparation of a paper coating, the rejections stand as set forth in the first non-final rejection mailed on July 23, 2008, particular in view of the fact that "Under the principles of inherency, if a prior art device, in its normal and usual operation would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. In re King, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986" (MPEP 2112.02).

Applicant's arguments with respect to claims 30-33, 39-40 and 42-46 rejected under 103(a) as being unpatentable over Freitag et al. (US 6,485,692) in view of Sakai (4,987,852) in further view of Roitto et al(EP 0916765) have been fully considered, the Examiner respectfully disagrees. The same reason as discussed above, the rejection stands.

Regarding claims 38-39, Sakai et al. teaches to remove air bubbles from one or more components via a vacuum pump (negative pressure) as the instantly claimed.

In addition, the instant claim 39 discloses a method for underpressure removing air, not as stated in the Remarks at a positive pressure in the range of 100-1000 KPa.

As such, the art rejections stand.

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New rejections claims 49-50 are filed under claim objection, 35 U.S.C. 112 (2) and 35 U.S.C. 102(e) as discussed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUN QIAN whose telephone number is (571)270-5834. The examiner can normally be reached on Monday-Thursday, 10:00am -4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.A. LORENZO/
Supervisory Patent Examiner, Art Unit 1793

/YUN QIAN/
Examiner, Art Unit 1793